

JIN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

(1) EMPLOYERS MUTUAL CASUALTY)
COMPANY, a Foreign Corporation,)
Plaintiff/Stakeholder,)
vs.)
Case No. CIV-22-143-R
(1) JAMES BLAND, as personal representative)
of the Estate of JOSHUA MICHAEL HALL,)
deceased,)
(2) SHANNON LINGLE, as surviving spouse)
of JASON LINGLE, deceased,)
(3) SHANNON LINGLE, as an individual)
(4) ALBERTO CASTILLO MONTES,)
(5) MICHAEL DOYCE HALL)
(6) CHERIE DAVIS)
(7) S.J.H. a Minor by and through her Parent)
And Next Friend, Morgan Hensley,)
(8) J.A.H., a Minor by and through his Parent)
and Next Friend, Andrea Large)
(9) A.D.H., a Minor, by and through her Parent)
and Next Friend, Jennifer Lynn Curran,)
(10) M.N.H., a Minor, by and through her)
Parent and Next Friend, Jennifer Lynn Curran,)
(11) HAYDEN LINGLE,)
(12) BRITTANY LINGLE,)
(13) TOMMY LINGLE,)
(14) HELENE KNAPPLE,)
Defendants/Claimants)

ORDER

Before the Court is the Motion to Approve and Distribute Wrongful Death Settlement and Motion to Remand of Defendant, James Bland, as Personal Representative of the Estate of Joshua Michael Hall, as well as Defendants Michael Doyce Hall, Cherie Davis, Sabrina Jade Hall (formerly S.J.H., a minor), J.A.H., a Minor by and through his Parent and Next Friend,

Andrea Large, and A.D.H and M.N.H., both Minors, by and through their Parent and Next Friend, Jennifer Curran (collectively the “Hall Defendants”). The Hall Defendants’ Motion seeks approval of the distribution of a portion of the proceeds paid into this Court by the Plaintiff and upon approval, the Hall Defendants seek remand of this action to the Probate Division of the Oklahoma County District Court for approval of the proper distribution to the Hall Defendants pursuant to the laws of intestate succession and the Oklahoma Wrongful Death Act.

The Court has considered the Hall Defendants’ Motion to Approve and Distribute Wrongful Death Settlement and the Motion to Remand. The Court has considered the testimony of the Defendant, James Bland, Personal Representative of the Estate of Joshua Michael Hall, as well as the evidence introduced at a hearing held in open court on January 5, 2023 and after having been fully advised in the premises, the Court enters the following Order:

IT IS HEREBY ORDERED ADJUGED AND DECREED that the settlement reached between the Hall Defendants, Defendants Shannon Lingle, Hayden Lingle, Brittany Lingle, Tommy Lingle and Helene Knapple (collectively the “Lingle Defendants”) and the Plaintiff, Employers Mutual Casualty Company, for payment of the policy limits of the underinsured motorist coverage available to the named Hall and Lingle Defendants for the deaths of Joshua Michael Hall and Jason Lingle, and the payment of the proceeds of the underinsured motorist policy of \$1,000,000.00 should be and the same is hereby APPROVED.

The Court finds that the agreement to divide the underinsured motorist proceeds entered into by and between the Hall Defendants and Lingle Defendants is fair and reasonable under the circumstances. The Court further finds that a distribution of the underinsured motorist proceeds in the amount of FOUR HUNDRED AND TWENTY-FIVE THOUSAND DOLLARS

(\$425,000.00) (hereinafter “the Settlement Funds”) to the Estate of Joshua Michael Hall on behalf of the Hall Defendants should be and the same is hereby APPROVED.

IT IS FURTHER ORDERED ADJUDGED AND DECREED that the Settlement Funds payable to the Estate of Joshua Michael Hall on behalf of the Hall Defendants should be approved and are hereby to be distributed as follows:

a. The litigation expenses presented to the Court by the firm of Hayes Magrini & Gatewood are fair and reasonable under the circumstances and the same are hereby approved. Hayes Magrini & Gatewood shall be paid the sum of EIGHT THOUSAND THREE HUNDRED SEVENTY-THREE DOLLARS AND FOUR CENTS (\$8,373.04) at this time with the understanding that litigation expenses may continue to be incurred to prosecute the claims in Case No. CIV-21-664-R.

b. The litigation expenses presented to the Court by Burch George & Germany/The Burch Law Firm are fair and reasonable under the circumstances and the same are hereby approved. The Burch Law Firm shall be paid the sum of THIRTEEN THOUSAND THREE HUNDRED SEVENTY-NINE DOLLARS AND SEVENTY-FIVE CENTS (\$13,379.79) at this time with the understanding that litigation expenses may continue to be incurred to prosecute the claims in Case No. CIV-21-664-R.

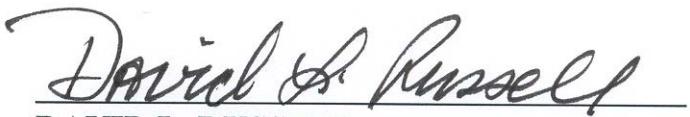
c. The total litigation expenses presented to the Court collectively by Hayes Magrini and Gatewood and the Burch George & Germany/The Burch Law Firm as set forth in paragraphs (a) and (b) above in the amount of TWENTY-ONE THOUSAND SEVEN HUNDRED FIFTY TWO AND EIGHTY THREE CENTS (\$21,752.83) shall therefore be deducted from the Settlement Funds prior to allocation of the net contingency attorney fees payable to Hayes Magrini & Gatewood and Burch George & Germany/The Burch Law Firm.

d. That the Defendant, James Bland, as Personal Representative of the Estate of Joshua Hall, retained the attorneys of record for the Estate to prosecute this case and pursue all claims on a contingency fee basis providing for attorney fees equal to 40% of the net recovery for the wrongful death of Joshua Michael Hall after deduction of the collective costs/expenses identified above in paragraphs (a) and (b) above. The Court further finds that the attorney fees are in keeping with a case of this significance and complexity and the 40% net contingency fee is reasonable. The net attorney fee in the amount of forty percent (40%) or ONE HUNDRED SIXTY ONE THOUSAND TWO HUNDRED NINETY EIGHT AND EIGHTY SEVEN CENTS (\$161,298.87) after deduction of litigation costs/expenses is approved and shall be paid into the Burch George & Germany/The Burch Law Firm Client Trust account to be held until an agreement as to their division can be reached between Hayes Magrini & Gatewood and Burch George & Germany/The Burch Law Firm. The Court understands that attorney fees will be incurred by the Defendant from any future settlement or judgement reached in Case No. CIV-21-664-R.

e. The net settlement proceeds payable to the Defendant, Estate of Joshua Michael Hall on behalf of the Hall Defendants in the amount of TWO HUNDRED FORTY-ONE THOUSAND NINE-HUNDRED FORTY-EIGHT AND THIRTY CENTS (\$241,948.30) in its entirety shall be paid into the Client Trust Account of Burch George & Germany/The Burch Law Firm and shall remain there until the Judge of the Probate Division of the Oklahoma County District Court orders the final distribution of settlement proceeds to the heirs at law or the next of kin of Joshua Michael Hall.

IT IS FURTHER ORDERED ADJUDGED AND DECREED that this matter should be and the same is hereby remanded to the Probate Division of the Oklahoma County District Court in Case No.: PB-2021-784 for final distribution of settlement proceeds to the heirs at law or the next of kin of Joshua Michael Hall.

IT IS SO ORDERED this 6th day of January 2023.


DAVID L. RUSSELL
UNITED STATES DISTRICT JUDGE